

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.776 of 2022

Arising Out of PS. Case No.-44 Year-2021 Thana- GALGALIYA District- Kishanganj

1. NILU MAHTO S/O AKALU MAHTO, R/o village- Shanti Para Ward No.25, P.S.- Jalpaiguri Kotwali, District- Jalpaiguri (West Bengal).
2. Dharni Roy S/o Sabul Roy, R/o village- Dangapara, P.S.- Bhaktinagar, Distt.- Jalpaiguri (West Bengal).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Ms. Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 31-05-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the State.

The petitioners are seeking regular bail in connection with Galgaliya P.S. Case No. 44 of 2021 (Special Case No. 456 of 2021) registered for offence punishable under sections 30 (a), 41 (1) of the Bihar Prohibition and Excise Act, 2016 and sections 420, 120(B)/34 of the Indian Penal Code.

The learned counsel for the petitioners has submitted that petitioner no. 1 is Driver and petitioner no. 2 is Cleaner of



Tata Magic bearing registration No. WB73F-2648 wherefrom 693 litres of wine was recovered. He has submitted further that the petitioners are the persons of clean antecedent and they are under custody since 21.11.2021.

Considering the above-mentioned facts and circumstances as well as the clean antecedent, let the petitioners above-named be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge, Excise, Kishanganj in connection with Galgaliya P.S. Case No.44 of 2021, Special Case No. 456 of 2021, subject to the following conditions:-

- (i) The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court.
- (ii) At the time of furnishing bail bond, the petitioners shall file an affidavit to the effect that they shall not indulge themselves in future in the similar type of offence. If it is found so, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioners and the learned court below will take decision in accordance with law.



Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Mahesh/-

U		T	
---	--	---	--

